

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BRADLEY W. SNYDER,

Petitioner,

No. C 12-5716 PJH (PR)

vs.

C.K. PLILER, Warden,

Respondent.

**ORDER OF DISMISSAL AND
DENYING CERTIFICATE OF
APPEALABILITY**

This habeas case was opened when petitioner filed a "Motion for Relief from Illegal Judgment under Federal Rule of Civil Procedure 60(b)(4) and (6)". Petitioner seeks relief regarding a closed habeas case, *Snyder v. Martel*, C 00-20620 RMW (PR), that was denied in 2003. This court denied a certificate of appealability, as did the Ninth Circuit. Thus, this is a second or successive petition. Petitioner cannot file a second or successive petition until he obtains an order authorizing the filing from the Ninth Circuit. See 28 U.S.C. § 2244(b)(3)(A). He has not done so. The court notes that petitioner filed another case attacking this same conviction that was also denied as successive, No. C 10-2542 PJH. Petitioner recently filed this same motion for reconsideration in that case that was also denied.

The motion for leave to proceed IFP (docket # 5) is **GRANTED**. The petition is **DISMISSED** without prejudice to filing a new petition if petitioner obtains the necessary order. Petitioner's motions (dockets #1 & 2) are also denied. The clerk shall close the file.

IT IS SO ORDERED.

Dated: November 29, 2012.


PHYLLIS J. HAMILTON
United States District Judge

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